

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q68279

Hiroyuki TOMOIKE

Application No.: 10/058,805

Group Art Unit: 2144

Confirmation No.: 4726

Examiner: Thanh T. NGUYEN

Filed: January 30, 2002

For: MOBILE COMMUNICATION SYSTEM AND DATA TRANSFERRING METHOD  
FOR USE WITH MOBILE COMMUNICATION SYSTEM

**SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Supplemental to the Appeal Brief Under 37 C.F.R. § 41.37 submitted on February 14, 2008 in response to the Final Office Action of May 4, 2007, Appellant submits the following in accordance with the provisions of 37 C.F.R. § 41.37:

**Table of Contents**

I.	STATUS OF CLAIMS .....	2
II.	ARGUMENT .....	3

## **I. STATUS OF CLAIMS**

Claims 1-7 are all of the pending claims in the present Application.

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin, Jr. et al.(U.S. Patent 6,610,105) in view of Chern et al. (U.S. Patent No. 6,381,465).

Claims 1-7 are the claims being Appealed.

All of the claims pending in the present application are set forth in their entirety in the Appendix below.

## II. ARGUMENT

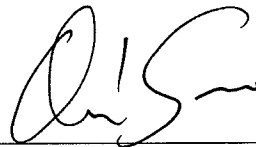
Supplemental to the Appeal Brief filed on February 14, 2008, Appellant has identified the claims on Appeal in the Status of Claims section. Appellant has also spoken with Patent Appeals Specialist Reginald Tyson, who indicated that claim 7 as recited, in the Summary of Claimed Subject Matter, sufficiently maps the claim to the specification. As such, Appellant respectfully asserts that this section does not require additional amendments.

Appellant respectfully requests that the members of the Board consider the remarks presented in the Appeal Brief submitted on February 14, 2008, and find each of the Appealed claims allowable as defining subject matter that is patentable over the cited art of record.

This Appeal Brief is being filed via the USPTO Electronic Filing System (EFS). Appellant herewith petitions the Director of the USPTO to extend the time for filing this Appeal Brief for an appropriate length of time if necessary.

Appellant does not believe any fee is due under 37 C.F.R. §41.37(a) and 37 U.S.C. § 1.17(c), however the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 5, 2008